

EXHIBIT 1

a

VERIFICATION

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, Shane P. Dyet, hereby state, under the penalty of perjury, that the following information is true to my knowledge, information and belief:

1. I am an attorney for Defendants Simaran Express, Inc. and Jarmanjeet Singh in the matter of *Parker v. Simaran Express, Inc., et al.*, S8015CV202200243, currently pending in the Superior Court of the State of Arizona, County of Mohave, before the Honorable Kenneth Gregory.


2. On June 1, 2022, I filed a Notice of Removal under 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446 seeking to remove *Parker v. Simaran Express, Inc., et al.*, S8015CV202200243, to the United States District Court for the District of Arizona.

3. In compliance with 28 U.S.C. § 1441(a), 28 U.S.C. § 1446 and L. R. Civ. P. 3.6(b), I certify that the attached documents are true and accurate copies of pleadings and other documents that were filed in the Superior Court of the State of Arizona, Mohave County.

4. Also attached is a true and accurate copy of the court docket in *Parker v. Simaran Express, Inc., et al.*, S8015CV202200243.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: June 1, 2022


Shane P. Dyet

b

Public Access to Court Information - Case Search**Case Information**

Case Number:	S-8015-CV-202200243	Category:	Civil
Title:	ERICA PARKER PLAINTIFF vs SI	Filing Date:	3/11/2022
Court:	Mohave County Superior	Disposition Date:	
Judge:			

SHANE DYET	ATTORNEY - Y 2
JOANN A. HOSKINS	ATTORNEY - Y 3
R KEVIN O'BRIEN	ATTORNEY - Y 1
ERICA PARKER	PLAINTIFF - P 1
SIMARAN EXPRESS INC	DEFENDANT - D 1
JARMANJEET SINGH	DEFENDANT - D 2
LILLIANA TUDELA	DEFENDANT - D 3

Case Activity

Date	Description	Party
5/19/2022	ANSWER: ANSWER	D 3
5/19/2022	ARBITRATION: CERTIFICATE OF COMPULSORY ARBITRATION - IS SUBJ	D 3
5/19/2022	DEMAND: Demand for Jury Trial	D 3
5/11/2022	MOTION: WITHDRAW	D 2
5/9/2022	SERVICE: WAIVER OF SERVICE	P 1
4/14/2022	SERVICE: Proof of Service	P 1
3/22/2022	SERVICE: Proof of Service	P 1
3/14/2022	NOTICE: DISMISSAL RE: SERVICE - CIVIL	P 1
3/11/2022	COMPLAINT: Complaint	P 1
3/11/2022	ARBITRATION: CERTIFICATE OF COMPULSORY ARBITRATION - IS NOT	P 1
3/11/2022	SUMMONS: SUMMONS	P 1
3/11/2022	SUMMONS: SUMMONS	P 1
3/11/2022	SUMMONS: SUMMONS	P 1
3/11/2022	INDICATOR: DISCOVERY TIER 2	P 1

Document Search

For access to criminal and civil court documents in the Superior Court visit the eAccess portal.

For more information about the eAccess portal please visit: <https://www.azcourts.gov/eaccess>.

NOTES:

Internet Explorer 10 Users: Case details will not display properly unless you switch to Compatibility View. How?

The following case types are excluded from search results: sealed cases, cases involving un-served Orders of Protection, mental health and probate cases, victim and witness data. Juvenile incorrigible/delinquency case information also cannot be viewed on this website; however other types of cases in which juveniles are parties, such as traffic cases, may be displayed. Certain administrative functions carried out by superior court clerk's offices in each county are not included in this website, such as passport application processing and private process server registration. **Charges** stemming from local ordinance violations are not included.

Please be aware of the following limitations of the case records displayed:

- The information may not be a current, accurate, or complete record of the case.
- The information is subject to change at any time.
- The information is not the official record of the court.
- Not all cases from a participating court may be included.
- The information should not be used as a substitute for a thorough background search of official public records.

The user is responsible for verifying information provided on this website against official court information filed at the court of record. Use of this website shall indicate agreement by the user that the Arizona judiciary, including its courts, divisions, officers, and employees, shall not be liable for any loss, consequence, or damage resulting directly or indirectly from the use of any of the information available through this website and that the Arizona judiciary does not provide any warranty, express or implied, that the information provided is accurate, current, correct, or complete.

C

Person/Attorney Filing: R Kevin O'Brien
Mailing Address: 23131 N. Lake Pleasant Parkway
City, State, Zip Code: Peoria, AZ 85383
Phone Number: (623)937-9799
E-Mail Address: kevin@ktolawfirm.com
☐ Representing Self, Without an Attorney
(If Attorney) State Bar Number: 031212, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

Erica Parker
Plaintiff(s),
v.
Simaran Express Inc, et al.
Defendant(s).

Case No. S8015CV202200243

SUMMONS

To: Simaran Express Inc

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 415 E. Spring St, Kingman, Arizona 86401 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MOHAVE

SIGNED AND SEALED this date: *March 11, 2022*

Christina Spurlock
Clerk of Superior Court

By: *GHOWELL*
Deputy Clerk



d

Person/Attorney Filing: R Kevin O'Brien
Mailing Address: 23131 N. Lake Pleasant Parkway
City, State, Zip Code: Peoria, AZ 85383
Phone Number: (623)937-9799
E-Mail Address: kevin@ktolawfirm.com
☐ Representing Self, Without an Attorney
(If Attorney) State Bar Number: 031212, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

Erica Parker
Plaintiff(s),
v.
Simaran Express Inc, et al.
Defendant(s).

Case No. S8015CV202200243

SUMMONS

To: Jarmanjeet Singh

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

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SIGNED AND SEALED this date: *March 11, 2022*

Christina Spurlock
Clerk of Superior Court

By: *GHOWELL*
Deputy Clerk



e

Person/Attorney Filing: R Kevin O'Brien
Mailing Address: 23131 N. Lake Pleasant Parkway
City, State, Zip Code: Peoria, AZ 85383
Phone Number: (623)937-9799
E-Mail Address: kevin@ktolawfirm.com
☐ Representing Self, Without an Attorney
(If Attorney) State Bar Number: 031212, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

Erica Parker
Plaintiff(s),
v.
Simaran Express Inc, et al.
Defendant(s).

Case No. S8015CV202200243

SUMMONS

To: Lilliana Tudela

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 415 E. Spring St, Kingman, Arizona 86401 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>. Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MOHAVE

SIGNED AND SEALED this date: *March 11, 2022*

Christina Spurlock
Clerk of Superior Court

By: *GHOWELL*
Deputy Clerk



f

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
03/11/2022 4:45PM
BY: GHOWELL
DEPUTY

Person/Attorney Filing: R Kevin O'Brien
Mailing Address: 23131 N. Lake Pleasant Parkway
City, State, Zip Code: Peoria, AZ 85383
Phone Number: (623)937-9799
E-Mail Address: kevin@ktolawfirm.com
☐ Representing Self, Without an Attorney
(If Attorney) State Bar Number: 031212, Issuing State: AZ

Case No.: S8015CV202200243
HON. KENNETH GREGORY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

Erica Parker
Plaintiff(s),

Case No.

v.

Simaran Express Inc, et al.
Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Mohave County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: R Kevin O'Brien /s/
Plaintiff/Attorney for Plaintiff

g

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
03/11/2022 4:45PM
BY: GHOWELL
DEPUTY

Case No.: S8015CV202200243
HON. KENNETH GREGORY

KEIST THURSTON O'BRIEN, P.C.
R. Kevin O'Brien, II #031212
10150 W. Desert River Blvd., Ste. A-130
Glendale, Arizona 85305
623.937.9799 Phone
623.435.9057 Facsimile
kobrien@ktolawfirm.com
Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

ERICA PARKER,
Plaintiff,

Case No.

vs.

COMPLAINT

SIMARAN EXPRESS INC;
JARMANJEET SINGH; LILLIANA
TUDELA; John and Jane Does 1-10;
ABC Entities 1-10, corporations, or other
legal entities,
Defendants,

(Tort/ Motor Vehicle)

Plaintiff, by and through undersigned counsel, for the Complaint against Defendants,
allege as follows:

1. Plaintiff, Erica Parker, resides in Pulaski County, Arkansas, and all acts
complained of herein occurred in Mohave County, Arizona.

2. At all times mentioned herein, Defendant Jarmanjeet Singh is a resident of the
County of Nassau, New York, who was driving a commercial motor vehicle under Separate
Defendant Simaran Express Inc.'s DOT number and authority.

3. Simaran Express Inc. is a corporation whose address is in Sacramento,
California and is the owner of the commercial motor vehicle driven by Separate Defendant
Jarmanjeet Singh. At all times herein, Simaran Express Inc. had control over the commercial
motor vehicle driven by Separate Defendant Jarmanjeet Singh.

1 4. Lilliana Tudela is a resident of the County of Miami-Dade, Florida

2 5. Plaintiff is not married.

3
4 6. Upon information and belief, Defendant Jarmanjeet Singh was, at all times
5 material hereto, acting on behalf of the marital community and/or Simaran Express Inc.

6 7. Upon information and belief, Defendant Lilliana Tudela was, at all times
7 material hereto, acting on behalf of the marital community.

8 8. Defendant Jane Doe is a fictitious name for the spouse of Defendant Jarmanjeet
9 Singh and Plaintiff will amend the Complaint if and when her true and correct name is
10 ascertained, assuming she exists.

11
12 9. Defendant John Doe is a fictitious name for the spouse of Defendant Lilliana
13 Tudela and Plaintiff will amend the Complaint if and when his true and correct name is
14 ascertained, assuming he exists.

15
16 10. Defendants John and Jane Doe #3-#10 and Defendants Black and White
17 Organizations are fictitious Defendants that in the course of litigation it is determined that
18 other parties are responsible, these parties will be substituted in place of these fictitiously
19 named defendants. These defendants can be persons, married couple, corporations, political
20 subdivisions, partnerships, limited liability companies, or any other entity.

21
22 11. As to any fictitiously named defendant, after the names and relationships of the
23 defendants are learned, Plaintiff will move to substitute the actual name and relationship into
24 an amended complaint if needed.

25
26 12. The amount in controversy satisfies the jurisdictional requirements of this
27 Court.
28

KTO
KEIST THURSTON O'BRIEN
ATTORNEYS AT LAW

1 13. This Court has jurisdiction as the amount of damages sought are within the
2 jurisdiction limits of this Court and the collision occurred in Mohave County. Venue is
3 proper. This is a Tier 2 case as defined in the Rules of Civil Procedure.
4

5 14. This Court has jurisdiction and venue over this action.
6

7 ALLEGATIONS COMMON TO ALL CLAIMS

8 15. On or about October 22, 2021, Plaintiff Erica Parker was on a vacation retreat
9 to Zion National Park and was a passenger in the passenger van that was involved in a
10 motor vehicle collision. The passenger van that was driven by Defendant Lilliana Tudela
11 was traveling North on I-15 MP 8 in the #2 Lane. The passenger van had come to a stop
12 with other traffic due to construction. Defendant Jarmanjeet Singh failed to slow in time
13 and rear-ended the van that Plaintiff was a passenger. The passenger van was then pushed
14 into another vehicle and off onto the shoulder of the highway.
15

16 16. Defendant driver Jarmanjeet Singh was traveling North on I-15 MP 8 in a
17 commercial vehicle with a trailer. Defendant Jarmanjeet Singh failed to slow and stop with
18 traffic that was backed up from a construction zone and impacted the passenger van and
19 another vehicle.
20
21

22 COUNT ONE

23 NEGLIGENCE

24 17. Plaintiff re-alleges and incorporates the above as if fully set forth herein.
25
26
27
28

1 18. At the time of the above-described collision, Defendant Lilliana Tudela had a
2 duty of care to operate the vehicle in a safe and prudent manner to avoid causing a motor
3 vehicle collision with any other vehicles.
4

5 19. At the time of the above-described collision, Defendant Jarmanjeet Singh and
6 Defendant Simaran Express Inc. had a duty of care to operate the vehicle in a safe and
7 prudent manner to avoid causing a motor vehicle collision with any other vehicles.
8

9 20. The scope of this duty of care extended to Plaintiff.

10 21. This duty was breached when Defendant Jarmanjeet Singh operated the
11 vehicle in a reckless, unsafe, and unlawful manner, causing the vehicle to collide into
12 Plaintiff's vehicle.
13

14 22. This duty was breached when Defendant Lilliana Tudela operated the van in a
15 reckless, and unsafe manner, causing the vehicle to collide into the vehicle in front of
16 Plaintiff's causing a second collision.
17

18 23. Defendant Simaran Express Inc. breached this duty by failing to have standards,
19 systems, policies and/or procedures in place to prevent its drivers from operating its commercial
20 motor vehicles and equipment in a negligence, careless and reckless manner on interstate
21 highways.
22

23 24. Defendant Simaran Express Inc. breached this duty by failing to train, supervise,
24 monitor and control its employees, including Defendant Jarmanjeet Singh, regarding the rules,
25 regulations, procedures and policies applicable to commercial drivers operating tractor-trailer trucks
26 on the roads of the United States.
27
28

KTO

KEIST THURSTON O'BRIEN
ATTORNEYS AT LAW

1 24. Defendant Simaran Express Inc. their direct corporate actions and inactions,
2 adopted an unreasonable and imprudent policy, procedure practice and standard, in which they
3 allowed and encouraged for financial benefits rather than discouraged, Defendant Jarmanjeet
4 Singh, to drive and operate the commercial motor vehicle in the negligent, careless and reckless
5 manner at the time of the collision.
6

7 25. Defendants' breach of this duty directly and proximately caused Plaintiff's
8 damages, which include permanent and long-lasting injuries, other physical injuries, pain
9 and suffering since the accident, past and future medical expenses, loss of earnings, and
10 mental and emotional anguish, all in an amount to be determined at trial.
11

12 SECOND CAUSE OF ACTION

13 NEGLIGENCE PER SE

14 26. Plaintiff realleges the above paragraphs if fully alleged here.
15

16 27. Defendant Jarmanjeet Singh violated A.R.S. §28-693A when Defendant
17 Jarmanjeet Singh drove his vehicle in reckless regard for the safety of persons or property.
18

19 28. Defendant Jarmanjeet Singh violated A.R.S. §13-1201A when Defendant
20 Jarmenjeet Singh committed endangerment by recklessly endangering another person with
21 substantial risk of imminent death or physical injury.

22 29. Defendants' negligence *per se* directly and proximately caused Plaintiff's
23 damages, which include permanent and long-lasting injuries, other physical injuries, pain and
24 suffering since the accident, past and future medical expenses, loss of earnings, and mental
25 and emotional anguish, all in an amount to be determined at trial.
26
27
28

KEIST THURSTON O'BRIEN

COUNT FOUR

NEGLIGENT ENTRUSTMENT

34. Plaintiff re-alleges and incorporates the above paragraphs above as if fully set forth herein.

35. At the time of the collision, Defendant Jarmanjeet Singh was driving a vehicle owned by Defendant Simaran Express Inc with its express authorization and knowledge.

36. At the time of the collision, Simaran Express Inc knew or should have known that Defendant Jarmanjeet Singh was an inexperienced, reckless, and negligent driver, or assumed the risk by allowing Defendant Jarmanjeet Singh to operate a vehicle owned by Simaran Express Inc

37. Simaran Express Inc knew or should have known that allowing a negligent, reckless and/or inexperienced driver increases the risk of harm to others on the roadway.

38. Simaran Express Inc.'s negligent entrustment of its vehicle to Defendant Jarmanjeet Singh is a direct and proximate cause of Plaintiff's injuries and damages alleged herein.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

A. For general damages and losses incurred and to be incurred in the future (including physical pain and emotional suffering), in an amount reasonable and proper in the premises;

B. For past and future medical and related expenses in an amount to be proven at trial;

C. For emotional distress;

1 D. For Plaintiff's lost wages and for the reasonable value of Plaintiff's impaired
2 and diminished earning capacity to the date of trial and in the future;

3
4 E. For Plaintiff's costs incurred herein, together with interest at the highest lawful
5 rate on the total amount of all sums awarded from the date of judgment herein until paid; and

6 F. For such additional relief as the Court may deem just and proper in the
7 premises.
8

9 RESPECTFULLY SUBMITTED this 11th Day of March 2022.
10

11
12 KEIST THURSTON O'BRIEN P.C.

13 
14 R. Kevin O'Brien, Esq.
15 *Attorneys for Plaintiff*
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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE**

DATE: MAY 25, 2022

S8015CV202200243

NOTICE RE: MOHAVE COUNTY ADMINISTRATIVE ORDER 2019-04

Plaintiff/Petitioner is hereby notified that service of the Summons and Complaint must be made upon all Defendants or adverse parties within ninety (90) days after the Complaint or Petition is filed or the case SHALL be dismissed without prejudice as to parties not timely served in accordance with Rule 4(i), Arizona Rules of Civil Procedure.

cc:

Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) KEIST THURSTON O'BRIEN CARRIE CASNER 23131 N LAKE PLEASANT PKWY PEORIA, AZ 85383 TELEPHONE NO: (623) 937-8888 FAX NO (Optional): E-MAIL ADDRESS (Optional): CARRIE@KTOLAWFIRM.COM ATTORNEY FOR (Name): Plaintiff	FILED FOR COURT USE ONLY Christina Spurluck CLERK, SUPERIOR COURT 03/22/2022 11:39AM BY: GHOWELL DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR THE COUNTY OF MOHAVE	
PLAINTIFF / PETITIONER: ERICA PARKER DEFENDANT / RESPONDENT: SIMARAN EXPRESS INC, ET AL	CASE NUMBER: 58015CV202200243
PROOF OF SERVICE	Ref. No. or File No.: 6813243 (4119)

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the:
SUMMON; CERTIFICATE OF COMPULSORY ARBITRATION; COMPLAINT

3. Party served: SIMARAN EXPRESS INC, ET AL

4. Address where the party was served:
**4119 RIO LINDA BOULEVARD
 SACRAMENTO, CA 95838**

5.b. I served the party on: **DATE: Mar 19, 2022 TIME: 9:04 am**

I served the party by **personal service**. I left the items in item 2 with the defendant personally.

I left the documents listed in item 2 with or in the presence of
MARIA DOE (BABY SITTER, 60YRS, FEMALE, HISPANIC, 160LBS, 5'1, BLACK HAIR, BROWN EYES)

Physical Description:

6. The "Notice to the Person Served" (on the summons) was completed as follows: an individual defendant.




7.a. SHAWN F. SARDIA
 b. C/O United Legal
 1128 E 6th St, Suite 2 Corona, CA 92879
 c. 855-401-8834
 d. Fee: \$58.00

e. California Registered Process Server
 Independent Contractor (not employee)
 Registration # 2008-05
 County: SACRAMENTO

FILE BY FAX

8. I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.
 DATE: 03/22/2022

 **F. SARDIA**
 SHAWN F. SARDIA - FILE BY FAX

j

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
04/14/2022 2:44PM
BY: JAMONEIM
DEPUTY

VERIFIED RETURN OF SERVICE

State of Arizona

County of Mohave

Superior Court

Case Number: S8015CV202200243

Plaintiff:

Erica Parker

vs.

Defendant:

Simaran Express Inc, et al.

For:

R. Kevin O'Brien

Keist Thurston O'Brien

Received by First Choice Process, Inc. on the 15th day of March, 2022 at 3:57 pm to be served on **Lilliana Tudela, 6475 Nw 170th Lane, Hialeah, FL 33015.**

I, Moraima Ponce, do hereby affirm that on the **13th day of April, 2022 at 10:00 am, I:**

INDIVIDUALLY/PERSONALLY served by delivering a true copy of the **SUMMONS, COMPLAINT AND CERTIFICATE OF COMPULSORY ARBITRATION** with the date and hour of service endorsed thereon by me, to: **Lilliana Tudela** at the address of: **6475 Nw 170th Lane, Hialeah, FL 33015**, and informed said person of the contents therein, in compliance with state statutes.

Marital Status: Based upon inquiry of party served, they refused to state whether or not the Defendant is married.

Description of Person Served: Age: 40, Sex: F, Race/Skin Color: Hispanic, Height: 5'6", Weight: 210, Hair: Black, Glasses: N

Under penalty of perjury, I declare that I have read the foregoing Verified Return of Service and that the facts stated in it are true. I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served. No notary required pursuant to F.S. 92.525(2).

Moraima Ponce
CPS #2138

First Choice Process, Inc.
15757 Pines Blvd.
Suite 157
Pembroke Pines, FL 33027
(954) 431-9208

Our Job Serial Number: MTO-2022000668



k

Person Filing: Alba L. Mendez
 Address (if not protected): 4119 Rio Linda Blvd.
 City, State, Zip Code: Sacramento, CA 95838
 Telephone: 916 208 1978
 Email Address: simaran.expressinc@gmail.com
 ATLAS Number: _____
 Lawyer's Bar Number: _____

FILED 2022 APR 12 PM 4:04 BY
 Christina Spurlock SupCtClerk

Representing ☒ Self, without a Lawyer or ☐ Attorney for ☐ Plaintiff OR ☐ Defendant

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

Erica Parker
 Name of Plaintiff(s)

Case Number: S8015CV202200243

Simaran Express Inc.
 Name of Defendant(s)

ANSWER

For Defendant's Answer to Plaintiff's Complaint, Defendant, Alba L. Mendez / Simaran Express Inc., admits, denies and alleges as follows:

1. The allegations in paragraph ONE in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

2. The allegations in paragraph TWO in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

3. The allegations in paragraph THREE in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

4. The allegations in paragraph FOUR in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

5. The allegations in paragraph FIVE in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.



S8015CV202200243

ona in Maricopa County
VED

Page 1 of 4

CVC31f 122917

Case No. 801 SCV 20200
243

6. The allegations in paragraph SIX in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

7. The allegations in paragraph SEVEN in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

8. The allegations in paragraph EIGHT in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

9. The allegations in paragraph NINE in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

10. The allegations in paragraph TEN in the Complaint, I:

☐ ADMIT as true, ☐ Deny, ☒ State I have insufficient information to determine whether true or false.

(If you need more space, add an attachment labeled "Civil Answer," and continue consecutive numbering.)

Defendant's GENERAL DENIAL: Defendant denies anything stated in the Complaint that Defendant has not specifically admitted, qualified, or denied.

DEFENSES and DENIALS

A. Defendant alleges that the claims for relief stated in the Complaint are, or may be, barred by reason of (check any that apply):

- ☐ Lack of personal jurisdiction.
- ☐ Lack of subject matter jurisdiction.
- ☐ Insufficient service of process
- ☐ Failure to state a claim upon which relief can be granted.
- ☐ Accord and satisfaction.
- ☐ Arbitration and award.
- ☐ Assumption of risk.

Case No. _____

- ☐ Contributory negligence
☐ Duress
☐ Estoppel
☒ Failure of consideration
☐ Fraud
☒ Illegality
☐ Laches
☐ License
☒ Payment
☐ Release
☐ Res judicata
☐ Statute of Frauds
☐ Statute of Limitations
☐ Waiver
☐ Other Defenses are listed and explained below.

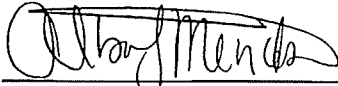
I, Alba Mendez had contacted the Defendant's Attorney office and provided them with insurance information to follow up; I was told that Defendant couldn't get off hold last year, I am still of insurance department. My husband the owner of the company passed away to suicide under the impression he was hired properly. I assumed he was a qualified driver. My husband had established this company and I can better explain the entire situation. you can please contact me at 916 208 1478. At this point I can't afford an attorney - and I am representing myself.

Defendant reserves the right to amend this Answer at a later time to assert any matter constituting an avoidance or affirmative defense including, without limitation, those affirmative defenses set forth in Rule 8(d), Arizona Rules of Civil Procedure, as discovery shows to be applicable.

REQUESTS to the COURT

WHEREFORE, having fully defended, Defendant requests that Plaintiff's Complaint be dismissed, that Plaintiff take nothing, and that Defendant be awarded the costs and expenses incurred herein, including such other and further relief as the Court may deem just and proper.

04/05/2022
 Date


 Signature of Defendant/Defendant's Attorney

Case No. _____

CERTIFICATE OF SERVICE:**The following page must be completed and attached to the LAST page of your Answer:**

☒ I filed the ORIGINAL of the Answer with the Clerk of the Superior Court in Maricopa County on: _____

Month Date Year

☒ I mailed/delivered a COPY of the Answer to the Judicial Officer assigned to my case, Judge (or Commissioner): _____ on _____

(Judicial Officer assigned to your case)

Month Date Year

☒ I mailed/delivered a COPY of the attached document(s) to the Plaintiff (or Plaintiff's Attorney if Plaintiff is represented by an attorney) on:

04 08 2022
Month Date Year

Erica Parker / Krist Thurston O'Brien P.C.
Name of Plaintiff / Plaintiff's Attorney

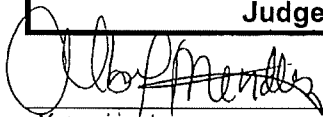
10150 W. Desert River Blvd. Ste. A-130
Address

Glendale, Arizona 85305
City, State, Zip

(You must mail a copy of all documents to the Plaintiff or his/her lawyer)

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have filed/mailed the attached document(s) as shown above. I understand that if I do not file/mail the attached document(s) as shown above, the Judge in my case will not read the attached document.


Your signature

I

1 **KEIST THURSTON O'BRIEN, P.C.**
R. Kevin O'Brien, II #031212
2 10150 W. Desert River Blvd., Ste. A-130
Glendale, Arizona 85305
3 623.937.9799 Phone
623.435.9057 Facsimile
4 kobrien@ktolawfirm.com
Attorneys for Plaintiff

5
6 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA IN AND FOR**
7 **THE COUNTY OF MOHAVE**

8 **ERICA PARKER,**
9 **Plaintiff,**

Case No. S8015CV2022-00243

10 **vs.**

11 **SIMARAN EXPRESS INC;**
JARMANJEET SINGH; LILLIANA
12 **TUDELA; John and Jane Does 1-10;**
13 **ABC Entities 1-10, corporations, or other**
14 **legal entities,**
15 **Defendants,**

WAIVER AND ACCEPTANCE
OF SERVICE _____

16 1. I, Shane Dyet, am the Attorney for Defendant Jarmanjeet Singh named in the
17 above-captioned matter. I hereby accept service of process as having the same legal effect as
18 though I was personally served in the State of Arizona.

19 2. I acknowledge receipt of and accept service of the following documents:
20 Complaint, Summons, Certificate of Compulsory Arbitration.

21 3. I hereby waive any possible defense which may be raised pursuant to the
22 Soldiers & Sailors Act, 50 U.S.C.A. Sec. 521.

23 4. I am executing this document voluntarily and with full knowledge.
24
25
26
27
28

DATED this 6th day of May, 2022.

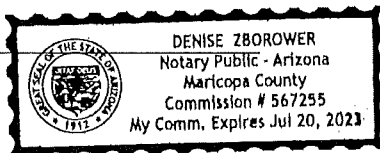
Shane Dyet
Shane Dyet

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 6th day of
May, 2022, by Shane Dyet.

Denise Zborower
Notary Public

My Commission Expires:



m

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
05/11/2022 10:16AM
BY: LBENSHOOF
DEPUTY

Shane P. Dyet, Bar No. 024627
O'CONNOR & DYET, P.C.
7955 South Priest Drive
Tempe, Arizona 85284
shane.dyet@occlaw.com
602-241-7000

Attorney for Defendants Simaran
Express, Inc. and Jarmanjeet Singh

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

ERICA PARKER,

Plaintiff,

vs.

SIMARAN EXPRESS, INC.; JARMANJEET
SINGH; LILLIANA TUDELA; John and Jane
Does 1-10; ABCX Entities 1-10, corporations,
or other entities,
Defendants.

Case No. S8015CV202200243

**MOTION TO WITHDRAW ANSWER
FILED PRO PER BY DEFENDANT
SIMARAN EXPRESS, INC.**

(Assigned to the
Honorable Kenneth Gregory)

Defendant Simaran Express, Inc. ("Simaran Express"), through undersigned counsel, hereby requests the Answer filed Pro Per by Ms. Alba Mendez on behalf of Simaran Express, be withdrawn.

Ms. Mendez, as owner of Simaran Express, filed the Answer on April 8, 2022, not knowing the insurance carrier for Simaran Express would provide defense counsel. Further, Ms. Mendez is not a lawyer, and therefore is not permitted to file a Pro Per Answer on behalf of the corporation. For these reasons, and now that undersigned has been retained as defense counsel for Simaran Express and Jarmanjeet Singh, Simaran Express respectfully requests the Answer filed on April 8, 2022 be withdrawn.

Once this Motion is granted, undersigned counsel will then file an Answer to Plaintiff's Complaint on behalf of both Simaran Express and Jarmanjeet Singh. Finally, Plaintiff's counsel does not oppose this Motion.

1 DATED: May 11, 2022.

2 O'CONNOR & DYET, P.C.

3
4 By /s/ Shane P. Dyet
5 Shane P. Dyet
6 Attorney for Defendants Simaran
Express, Inc. and Jarmanjeet Singh

7 **E-FILED** with the Court and
8 copy **emailed** on May 11, 2022
9 to:

10 R. Kevin O'Brien
11 Keist Thurston O'Brien, PC
12 10150 W. Desert River Blvd., Suite A-130
13 Glendale, AZ 85305
14 kevin@ktolawfirm.com
15 Attorney for Plaintiff Erica Parker

16 Justin Zachary
17 Denton & Zachary, PLLC
18 2100 Riverdale Road, Suite 200A
19 Little Rock, AR 72002
20 justin@dentonandzachary.com
21 Attorney for Plaintiff Erica Parker

22 By /s/ D. Zborower
23
24
25
26
27
28

n

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
05/19/2022 3:20PM
BY: GHOWELL
DEPUTY

JoAnn A. Hoskins- State Bar #035112
Law Offices of Christine G. Moore
2495 Village View Drive, Suite 210
Henderson, NV 89074
Direct Line: (702) 854-4255
Main Line: (702) 854-4200
Facsimile: (866) 842-6297
Email: JOANN_HOSKINS@progressive.com

Attorney for Defendant

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

ERICA PARKER,
Plaintiff,

Case No. S-8015-CV-202200243

v.

DEMAND FOR JURY TRIAL

SIMARAN EXPRESS INC;
JARMANJEET SINGH; LILIANA
TUDELA; John and Jane Does 1-10; ABC
Entities 1-10, corporations, or other legal
entities,

Defendants,

Defendant, LILIANA TUDELA, by and through undersigned counsel, and pursuant
to Rule 38, Arizona Rules of Civil Procedure, hereby requests trial by jury in the event this
matter is not set for compulsory arbitration, or an appeal is taken from arbitration.

DATED this 16th day of May, 2022.

By: 

JoAnn A. Hoskins
Attorney for Defendant

A copy has been or will be e-served on this
19TH day of April 2022, to:

Honorable

Court Administration

Arbitration Desk

R. Kevin O'Brien, Esq.
KEIST THURSTON O'BRIEN PC
10150 W. Desert River Blvd Suite A-130
Glendale, AZ 85305
(623) 937-9799/(623) 435-9057 (F)

By: 

O

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
05/19/2022 3:20PM
BY: GHOWELL
DEPUTY

1 JoAnn A. Hoskins- State Bar #035112
2 **Law Offices of Christine G. Moore**
3 2495 Village View Drive, Suite 210
4 Henderson, NV 89074
5 Direct Line: (702) 854-4255
6 Main Line: (702) 854-4200
7 Facsimile: (866) 842-6297
8 Email: JOANN_HOSKINS@progressive.com

9 **Attorney for Defendant**

10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MOHAVE**

12 ERICA PARKER,
13 Plaintiff,

Case No. S-8015-CV-202200243

14 v.

**CERTIFICATE OF AGREEMENT
RE: COMPULSORY ARBITRATION**

15 SIMARAN EXPRESS INC;
16 JARMANJEET SINGH; LILIANA
17 TUDELA; John and Jane Does 1-10; ABC
18 Entities 1-10, corporations, or other legal
19 entities,

Defendants,

20 **CERTIFICATE OF AGREEMENT**
21 **RE: COMPULSORY ARBITRATION**

22 ///

23 ///

24 ///

25 ///


26 ///

27 ///

28 ///

Pursuant to Rule 72, ARCP, and Rule 3.10(c), Maricopa County Local Rules of Civil Procedure, Defendant, certify that they agree that the amount in controversy does not exceed the limits set by the local rule, and therefore, this case is subject to Compulsory Arbitration.

DATED this 16th day of May, 2022.

By: 
JoAnn A. Hoskins
Attorney for Defendant

A copy has been or will be e-served on this
19TH day of May, 2022 to:

Honorable:

* Copy delivered via efile system

Court Administrator

*Arbitration Department - Superior Court

R. kevin O'Brien, Esq.
KEIST THURSTON O'BRIEN PC
10150 W. Desert River Blvd Suite A-130
Glendale, AZ 85305
(623) 937-9799/(623) 435-9057 (F)

By:



p

FILED
Christina Spurlock
CLERK, SUPERIOR COURT
05/19/2022 3:20PM
BY: GHOWELL
DEPUTY

1 JoAnn A. Hoskins- State Bar #035112
2 **Law Offices of Christine G. Moore**
3 2495 Village View Drive, Suite 210
4 Henderson, NV 89074
5 Direct Line: (702) 854-4255
6 Main Line: (702) 854-4200
7 Facsimile: (866) 842-6297
8 Email: JOANN_HOSKINS@progressive.com

9 **Attorney for Defendant**

10
11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MOHAVE**

13 ERICA PARKER,
14 Plaintiff,

Case No. S-8015-CV-202200243

15 v.

**ANSWER ON BEHALF OF DEFENDANT
LILIANA TUDELA**

16 SIMARAN EXPRESS INC;
17 JARMANJEET SINGH; LILIANA
18 TUDELA; John and Jane Does 1-10; ABC
19 Entities 1-10, corporations, or other legal
20 entities,

21 Defendants,

22 Defendants by and through undersigned counsel, for their answer to Plaintiff's
23 Complaint hereby admit, deny and allege as follows:

24 1. Answering Paragraphs 8, 9, 10, 11, 12, 13, 30, 31 and 32 of Plaintiff's
25 Complaint, this answering Defendant states that she is without sufficient knowledge or
26 information necessary to form a belief as to the truth or falsity of the allegations contained
27 therein and, therefore, denies the same.

28 //

1 2. Answering Paragraph 29 of Plaintiff's Complaint, this answering Defendant
2 states the allegations call for a legal conclusion and contained therein and states that she is
3 without sufficient knowledge or information necessary to form a belief as to the truth or
4 falsity of the allegations contained therein and, therefore, denies the same.
5

6 3. Answering Paragraphs 17, 26 and 33 of Plaintiff's Complaint, this answering
7 Defendant repeats, re-alleges, and incorporates as though fully set forth herein, all of his
8 answers to the preceding paragraphs.
9

10 4. Answering Paragraphs 7 and 22 of Plaintiff's Complaint, this answering
11 Defendant denies each and every allegation contained therein.
12

13 5. Answering Paragraphs 1, 2, 3, 4, 5, 6, 14, 15, 16, 18, 19, 20, 21, 23, 24, 27,
14 28, 34, 35 and 36 of Plaintiff's Complaint, this answering Defendant admits each and every
15 allegation contained therein.
16

17 6. Answering Paragraph 24 – Page 6 – Line 1 of Plaintiff's Complaint, this
18 answering Defendant admits each and every allegation contained therein.
19

20 7. Answering Paragraphs 34 of Plaintiff's Complaint – Section Count Four
21 Negligent Entrustment – Page 7, this answering Defendant repeats, re-alleges, and
22 incorporates as though fully set forth herein, all of his answers to the preceding paragraphs.
23

24 8. Answering Paragraphs 35, 36 and 37 of Plaintiff's Complaint – Section Count
25 Four Negligent Entrustment – Page 7, this answering Defendant admits each and every
26 allegation contained therein.
27
28

1 9. Answering Paragraphs 38 of Plaintiff's Complaint – Section Count Four
2 Negligent Entrustment – Page 7, this answering Defendant states that she is without
3 sufficient knowledge or information necessary to form a belief as to the truth or falsity of
4 the allegations contained therein and, therefore, denies the same.
5

6 10. Additional facts may be revealed by future discovery which support affirmative
7 defenses presently available but unknown by Defendants. Accordingly, Defendants hereby
8 allege the following affirmative defenses:
9

10 Accord and Satisfaction, Arbitration and Award, Assumption of Risk, Contributory
11 Negligence, Comparative Fault, Equitable Estoppel, Failure to State a Claim, Fault of
12 Another, Laches, Release, Statute of Limitations, Lack of Jurisdiction of Subject Matter,
13 Lack of Jurisdiction over the person or persons, Improper Venue, Insufficiency of Process,
14 Insufficiency of Service of Process, Multiplicity of Suits, Pendency of Other Action,
15 Failure to Mitigate Damages.
16
17

18 11. Defendants have had insufficient opportunity to conduct discovery necessary to
19 determine which, if any, of the defenses set forth in Rule 8(c), Arizona Rules of Civil
20 Procedure, may apply; so rather than waive those defenses, Defendants assert each and
21 every defense stated in Rule 8(c).
22

23 12. Defendants deny that Plaintiffs are entitled to the recovery of attorney's fees.
24

25 13. Defendants reserve the right to contest Plaintiffs' discovery tier designation.
26

27 14. Defendants deny that Plaintiffs are entitled to the recovery of pre-judgment interest.
28

15. Defendants hereby deny any and all allegations not specifically admitted above.

By:

A copy has been or will be e-served on this
19TH day of May 2022, to:

R. Kevin O'Brien, Esq.
KEIST THURSTON O'BRIEN PC
10150 W. Desert River Blvd Suite A-130
Glendale, AZ 85305
(623) 937-9799/(623) 435-9057 (F)

By:

EXHIBIT 2

Shane P. Dyet, Bar No. 024627
Robert R. Byrne, Bar No. 009902
O'CONNOR & DYET, P.C.
7955 South Priest Drive
Tempe, Arizona 85284
(602) 241-7000
shane.dyet@occlaw.com
robert.byrne@occlaw.com

Attorneys for Defendants Simaran
Express, Inc. and Jarmanjeet Singh

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

ERICA PARKER,

Plaintiff,

vs.

SIMARAN EXPRESS, INC.; JARMANJEET
SINGH; LILLIANA TUDELA; John and Jane
Does 1-10; ABCX Entities 1-10, corporations,
or other entities,

Defendants.

Case No. S8015CV202200243

**NOTICE OF FILING NOTICE OF
REMOVAL**

(Assigned to the
Honorable Kenneth Gregory)

TO: PLAINTIFF'S ATTORNEY:

Please take notice that a Notice of Removal of this action pursuant to U.S.C. § 1441(a) and 28 U.S.C. § 1446 was filed in the United States District Court for the District of Arizona on June 1, 2022.

A copy of the Notice of Removal is attached to this Notice and is hereby served and filed in the above-captioned action in accordance with 28 U.S.C. § 1446(d).

...

...

...

...

1 DATED: June 1, 2022.

2 O'CONNOR & DYET, P.C.

3
4 By /s/ Shane P. Dyet
5 Shane P. Dyet
6 Robert R. Byrne
7 Attorneys for Defendants Simaran
8 Express, Inc. and Jarmanjeet Singh

8 **E-FILED** with the Court and
9 copy **emailed** on June 1, 2022
10 to:

11 R. Kevin O'Brien
12 Keist Thurston O'Brien, PC
13 10150 W. Desert River Blvd., Suite A-130
14 Glendale, AZ 85305
15 kevin@ktolawfirm.com
16 Attorney for Plaintiff

17 Justin Zachary
18 Denton & Zachary, PLLC
19 2100 Riverdale Road, Suite 200A
20 Little Rock, AR 72002
21 justin@dentonandzachary.com
22 Attorney for Plaintiff

23 Joann A. Hoskins, Esq.
24 Law Offices of Christine G. Moore
25 150 N. Stephanie Street, Ste. 150
26 Henderson, NV 89074
27 joann_hoskins@progressive.com
28 Attorney for Defendant Lilliana Tudela

By /s/ D. Zborower